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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 JEREMIAH JAMES PETLIG,

8 Plaintiff,

9 v.

10 SCOTT CARTER-ELDRED, et al.,

11 Defendants.

CASE NO. C18-0721-MJP-MAT

PRETRIAL SCHEDULING ORDER

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13 This is a civil rights action brought pursuant to 42 U.S.C. § 1983. Defendant(s) recently
14 filed an answer to plaintiff's amended complaint. Accordingly, the Court hereby establishes the
15 following pretrial schedule:

16 (1) Discovery

17 All discovery shall be completed by **February 15, 2019**. Service of responses to
18 interrogatories, requests for production, and requests for admissions, and the taking of depositions,
19 shall be completed by this date. The Federal Rules of Civil Procedure require that responses to
20 discovery requests be served within thirty (30) days after service. *See* Fed. R. Civ. P. 33(b)(2),
21 34(b)(2)(A), 36(a)(3). The serving party, therefore, must serve his/her discovery requests at least
22 thirty (30) days before the deadline in order to allow the other party time to answer.

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1 (2) Dispositive Motions

2 Any dispositive motions shall be filed and served on or before **March 18, 2019**.

3 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a
4 part of the motion itself and not in a separate document. The motion shall include in its caption
5 (immediately below the title of the motion) a designation of the date the motion is to be noted for
6 consideration upon the Court's motion calendar. Dispositive motions shall be noted for
7 consideration on a date no earlier than the fourth Friday following filing and service of the motion.
8 LCR 7(d)(3).

9 All briefs and affidavits in opposition to any motion shall be filed and served pursuant to
10 the requirements of Rule 7 of the Federal Rules of Civil Procedure and LCR 7. The party making
11 a motion may file and serve a reply to the opposing party's briefs and affidavits. Any reply brief
12 shall also be filed and served pursuant to the requirements of Rule 7 of the Federal Rules of Civil
13 Procedure and LCR 7.

14 Defendants are reminded that they MUST serve a *Rand* notice, in a separate document,
15 concurrently with motions for summary judgment so that *pro se* prisoner plaintiffs will have fair,
16 timely and adequate notice of what is required of them in order to oppose such motions. *Woods v.*
17 *Carey*, 684 F.3d 934, 941 (9th Cir. 2012). The Ninth Circuit has set forth model language for such
18 notices:

19 A motion for summary judgment under Rule 56 of the Federal Rules of
20 Civil Procedure will, if granted, end your case.

21 Rule 56 tells you what you must do in order to oppose a motion for summary
22 judgment. Generally, summary judgment must be granted when there is no
23 genuine issue of material fact – that is, if there is no real dispute about any
fact that would affect the result of your case, the party who asked for
summary judgment is entitled to judgment as a matter of law, which will
end your case. When a party you are suing makes a motion for summary
judgment that is properly supported by declarations (or other sworn

1 testimony), you cannot simply rely on what your complaint says. Instead,
2 **you must set out specific facts in declarations, depositions, answers to**
3 **interrogatories, or authenticated documents, as provided in Rule 56(e),**
4 **that contradict the facts shown in the defendant's declarations and**
5 **documents and show that there is a genuine issue of material fact for**
6 **trial. If you do not submit your own evidence in opposition, summary**
7 **judgment, if appropriate, may be entered against you. If summary**
8 **judgment is granted, your case will be dismissed and there will be no**
9 **trial.**

6 *Rand v. Rowland*, 154 F.3d 952, 963 (9th Cir. 1998) (emphasis added). Defendants who fail to
7 file and serve the required *Rand* notice on the plaintiff may have their motion stricken from the
8 Court's calendar with leave to re-file.

9 (3) Joint Pretrial Statement

10 The parties are advised that a due date for filing a Joint Pretrial Statement may be
11 established at a later date pending the outcome of any dispositive motions.

12 (4) Proof of Service and Sanctions

13 All motions, pretrial statements and other filings shall be accompanied by proof
14 that such documents have been served upon counsel for the opposing party or upon any party
15 acting *pro se*. The proof of service shall show the day and manner of service and may be by written
16 acknowledgment of service, by certificate of a member of the bar of this Court, by affidavit of the
17 person who served the papers, or by any other proof satisfactory to the Court. Failure to comply
18 with the provisions of the Order can result in dismissal/default judgment or other appropriate
19 sanctions.

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1 (5) The Clerk of Court is directed to send a copy of this Order to plaintiff and to counsel
2 for defendants.

3 DATED this 14th day of December, 2018.

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6 Mary Alice Theiler
United States Magistrate Judge